

## § 20.2

(ee) *Tribal Work Experience Program (TWEP)* means a program operated by tribal contract which provides eligible participants with work experience and training that promotes and preserves work habits and develops work skills.

(ff) *Recipient* means an individual to whom or for whom a BIA general assistance payment is made for the month.

(gg) *Case* includes all individuals in the household as defined in §20.1(dd) whose needs are included in the BIA general assistance payment made for the month.

(25 U.S.C. 2 and 9)

[42 FR 6568, Feb. 2, 1977, as amended at 50 FR 39928, Sept. 30, 1985]

### §20.2 Purpose.

The regulations in this part govern the provision of general assistance, child welfare assistance, miscellaneous assistance and family and community services to eligible Indians.

### §20.3 Policy.

When assistance or services are not available or not being provided by state, local, or other agencies, general assistance, child welfare assistance, miscellaneous assistance and family and community services shall be provided for eligible Indians by the Bureau in a manner designed to promote personal and family unity and economic and social stability, working toward attainment of self-sufficiency.

### §20.4 Information collection.

The information collection requirements contained in §§20.10, 20.11, 20.22, 20.23, and 20.24 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1076-0017. The information is collected to determine applicant eligibility for services. The information will be used to determine eligibility and to insure uniformity of services. Response is required to obtain a benefit.

[53 FR 21994, June 13, 1988]

## 25 CFR Ch. I (4-1-99 Edition)

### Subpart B—Administrative Procedures

#### §20.10 Application for assistance or services.

(a) Written or oral applications by or on behalf of any individual or group will be accepted for assistance or services under this part. In addition to applications from persons desiring assistance or services, referrals will be accepted directly from relatives, interested individuals, social welfare agencies, law enforcement agencies, courts and others.

(b) Applications for assistance or services under this part shall be made to the Superintendent or an official representative. All applications for assistance shall ultimately be reduced to a written form. However, a written statement by an appropriate representative of the Bureau social services program as to why protective social services under §20.24(b)(2) were provided may be accepted in lieu of a written application.

#### §20.11 Securing information.

(a) The applicant will be the primary source of information regarding his circumstances for the purpose of determining eligibility and need. If it is necessary to secure information from other sources, the applicant will be asked to authorize the release of information. The applicant will be informed, in advance, of the kinds of information needed, the source to be used, and that the information obtained will be used only in connection with the application for assistance or services under this part or as otherwise required by law.

(b) Recipients shall be required to make timely and accurate reports of any change in circumstances which may affect their eligibility or the amount of financial assistance.

#### §20.12 Decision.

(a) Action on an application for assistance shall consist of the following:

(1) The application shall be approved if the applicant meets the appropriate eligibility criteria set forth in subpart C of this part for the type of assistance

requested, and financial assistance may be retroactive, as appropriate, to the date of application.

(2) The application shall be denied if the applicant does not meet the appropriate eligibility criteria set forth in subpart C of this part for the type of assistance requested.

(3) Action to approve or deny an application shall be made within 30 days of the date of the application, or if not the applicant shall be notified in writing of the reasons why such a decision cannot be made, but in no event shall any application be held pending beyond 45 days of the date of the application.

(b) As appropriate, other decision actions include the following:

(1) To increase or decrease the amount of recipient's financial assistance pursuant to the eligibility criteria set forth in subpart C of this part.

(2) To suspend or terminate recipient's financial assistance pursuant to the eligibility criteria set forth in subpart C of this part.

#### **§ 20.13 Written notice of proposed decision.**

Written notice of all proposed decisions shall be mailed or hand delivered to the applicant or recipient which clearly and completely advise of their legal rights to contest any adverse proposed decision as set forth in § 20.30 or under part 2 of this chapter and shall further consist of the following:

(a) A statement of the action being taken, the effective date, and the reasons for the decision.

(b) If the action is to reduce, suspend, or terminate financial assistance to the recipient, the written notice shall be provided to the recipient 20 days in advance of the proposed effective date.

(c) Shall advise the applicant or recipient of his right to request a hearing if dissatisfied with the proposed decision.

(d) Shall advise the applicant or recipient of his right to be represented by an authorized representative at no expense to the Bureau.

(e) Shall advise the applicant or recipient that failure to request a hearing within the 20 day period following the date of notice of proposed decision will cause the proposed decision to become final subject to appeal under part

2 of this chapter, and that the decision will not be disturbed except for fraud or gross irregularity or where found by higher authority that failure to appeal on the part of the applicant or recipient would result in inequity or injustice to the parties.

#### **§ 20.14 Adjusting incorrect payments.**

(a) When the Bureau finds that an incorrect payment of financial assistance has been made to an individual or family, proper adjustment or recovery shall be required, based upon individual need as appropriate to the circumstances that resulted in an incorrect payment. However, prior to adjustment or recovery by the Bureau, the recipient shall be notified of the proposal to correct the payment and given an informal opportunity to resolve the matter. If an informal resolution cannot be attained the recipient is entitled to a written notice of decision, and a hearing if requested, in accordance with §§ 20.12, 20.13 and 20.30. Unless a hearing is requested or an appeal made, the proposed decision shall become final within 20 days after written notice is mailed or delivered to the recipient.

(b) Applicants and recipients who knowingly and willfully provide the Bureau with false, fictitious or fraudulent information are subject to prosecution under 18 U.S.C. 1001, which carries a fine of not more than \$10,000 or imprisonment for not more than five years, or both.

### **Subpart C—Eligibility Conditions**

#### **§ 20.20 General.**

(a) Basic eligibility conditions shall be:

(1) The applicant must be an Indian, except that in the States of Alaska and Oklahoma a one-fourth degree or more Indian or Native blood quantum will be an additional eligibility requirement; and

(2) The applicant must reside on a reservation; or

(3) The applicant must reside near reservation as specifically defined in § 20.1(r) and be a member of the tribe that requested designation of the near reservation service area.